

Anthony Rucano 11A0528  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, N.Y. 12929  
September 29<sup>th</sup>, 2014

Richmond County Supreme Court  
Hon. Stephen J. Rooney, Criminal Term  
18 Richmond Terrace  
Staten Island, N.Y. 10301

To the Hon. Judge Rooney,

Good Morning. On July 15<sup>th</sup>, 2014 I filed the following documents with this court:

- Notice of Motion and Affidavit in Support of Motion for the Assignment of Counsel.
- Notice of Motion and Affidavit in Support of Motion for An Evidentiary Hearing
- Notice of Motion, Affidavit in Support and Memorandum of Law in Support of Motion to Vacate Judgment Pursuant to Criminal Procedure Law § 440.10 (1) (C) (D) (F) (G) (H)
- Exhibit List Identifying Location of Exhibits in Affidavit in Support by Paragraph Numbers with Corresponding Cover Pages

On September 17<sup>th</sup>, 2014, I received a letter, a copy of which was sent to the attention of your law clerk Michael Dwyer, stating that **A.D.A. Paul Tarr has received an extension of time for my pending pro se motion for the assignment of counsel until October 8<sup>th</sup>, 2014.**

I have included the following notice in every "Notice of Motion" submitted:

Pursuant to CPLR 2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

I have received no communication from the Court concerning the court set return dates for any of the above submitted motions. The letter from the District Attorney's office informed me they have until October 8<sup>th</sup>, 2014 to respond to my assignment of counsel motion. Although their letter is dated September 17<sup>th</sup>, 2014, **it was postmarked September 22<sup>nd</sup>, 2014,** and **was not received until September 24<sup>th</sup>, 2014.** If the return date is October 8<sup>th</sup>, 2014, then according to CPLR 2214(b), I should **receive** their answering affidavit (opposition) by **October 1<sup>st</sup>, 2014.** **This is only 2 business days from today, which is the date I am mailing this letter motion.**

As the Court has not informed me whether the date of October 8<sup>th</sup>, 2014 is the return date for my pending motion for the Assignment of Counsel, or any of the return dates for my motions for an evidentiary hearing and motion Pursuant to C.P.L. § 440.10; I am unable to assert my

right to strike any motion not received by me 7 days before said return date Pursuant to CPLR 2214(b).

Furthermore, assuming I did receive the District Attorneys response on October 1<sup>st</sup>, 2014, my status as an incarcerated inmate and my limited access to law library services, outside my mandatory work hours, would cause an undue hardship if I was denied a two week extension to meaningfully reply to said oppositions.

I would respectfully request that this Honorable Court also consider the fact that the procedures to send outgoing mail by an indigent inmate here at Clinton Correctional Facility causes an additional 2 to 3 day delay of forwarding outgoing mail to the business office to approve advanced payment for outgoing legal mail. Hence, a outgoing legal document mailed by me on a Friday would not be delivered to the united states Postal Service until the following Tuesday or Wednesday, depending on the volume of mail to be processed within Clinton Correctional Facility's internal mail room.

For all the above reasons, this letter motion seeks the following relief:

- A. I ask to be informed of return date set by the Court for the currently pending motion for the assignment of counsel, as expeditiously as possible.
- B. I seek an ORDER granting, at least, a 2 week extension for me to prepare and submit Reply Papers to the District Attorneys opposition for my Assignment of Counsel motion, to be extended from the currently set return date by the Court.
- C. In the interest in saving time and judicial resources, I ask that this Honorable Court consider granting the same relief above (for at least a 2 week extension of time) for this pro-se defendant to submit reply papers to my pending motion for an Evidentiary Hearing, and for relief Pursuant to C.P.L. § 440.10

Furthermore, considering my status as an incarcerated inmate, my limited access to law library services, and my mandatory work hours; denial of the relief for an ORDER granting a two week extension to meaningfully reply to said oppositions would cause an undue hardship to this pro-se defendant.

For all the above reasons I ask to be informed promptly of all court set return dates on all filed/docketed motions currently pending and ones pending in the future, and to be provided at least a two week extension of time to reply to the district Attorney's opposition. This will provide this pro-se defendant with ample time to meaningfully prepare and submit reply papers and allow time for the Honorable Court to receive them in a timely fashion.

On a final note, I want to assure all parties involved that I continue to strive and follow all court rules. I do not wish to waste the Court's time or judicial resources, or cause any undue hardship while litigating these proceedings.

God Bless you and Thank you for your time and consideration concerning this matter.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Anthony Rucano". The signature is written in black ink and is positioned above a horizontal line.

Anthony Rucano and Family  
*Defendant Pro se*, DIN # 11-A-0528  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, N.Y. 12929

To:

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